

FACT SHEET

Americans with Disabilities Act - Title I enforcement procedures (Public Law 101-336)

Title I of the ADA covers the employment of people with disabilities. Title I of the ADA is enforced by the Equal Employment Opportunity Commission (EEOC) under the same procedures used to enforce Title VII of the Civil Rights Act of 1964.

When did the ADA's employment enforcement provisions become effective?

The enforcement provisions of Title I have been in effect since July 26, 1992 for private sector employers with 25 or more employees, and since July 26, 1994 for private sector employers with 15 or more employees. Title I has been in effect for state and local government employers with 15 or more employees since July 26, 1992.

Who can file charges of discrimination and where can a charge be filed?

An applicant or employee who feels that she/he has been discriminated against in employment on the basis of disability can file a charge with the EEOC. An individual, group, or organization also can file a charge on behalf of another person. A charge can be filed with the EEOC's Honolulu office.

Equal Employment Opportunity Commission
300 Ala Moana Blvd., Suite 7123-A
Honolulu, HI 96813
Phone: 541-3120 (V); 541-3389 (TTY)
(Neighbor island residents call collect.)

What are the time limits for filing charges of discrimination?

A charge of discrimination on the basis of disability must be filed with the EEOC within 180 days of the alleged discriminatory act.

Can an individual file a lawsuit against an employer?

An individual can file a lawsuit against an employer, but she/he must first file the charge with the EEOC. The charging party can request a "right to sue" letter from the EEOC 180 days after the charge was first filed with the Commission. A charging party will then have 90 days to file suit after receiving the notice of right to sue. If the charging party files suit, the EEOC will ordinarily dismiss the original charges filed with the Commission. "Right to sue" letters also are issued when the EEOC does not believe discrimination occurred or when conciliation attempts fail and the EEOC decides not to sue on the charging party's behalf.

What if the EEOC concludes that no discrimination occurred?

If the investigation finds no cause to believe discrimination occurred, the EEOC will take no further action. The EEOC will issue a "right to sue" letter to the charging party, who may initiate a private lawsuit.

What if the EEOC concludes that discrimination occurred?

If the investigation shows that there is reasonable cause to believe that discrimination occurred, the EEOC will attempt to resolve the issue through conciliation and to obtain full relief consistent with the EEOC's standards for remedies for the charging party. If the EEOC has found cause to believe that discrimination occurred, but cannot resolve the issue through conciliation, the case will be considered for litigation. If the EEOC decides to litigate, a lawsuit will be filed in federal district court. If the Commission decides not to litigate, it will send the charging party a "right-to-sue" letter. The charging party may then initiate a private civil suit within 90 days, if desired. If conciliation fails on a charge against a state or local government, the EEOC will refer the case to the Department of Justice for consideration of litigation or issuance of a "right to sue" letter.

What remedies or penalties are involved?

The "relief" or remedies available for employment discrimination, whether caused by intentional acts or by practices that have a discriminatory effect, may include hiring, reinstatement, promotion, back pay, front pay, reasonable accommodation, or other actions that will make an individual "whole" (in the condition she/he would have been but for the discrimination). Remedies also may include payment of attorneys' fees, expert witness fees, and court costs.

Compensatory and punitive damages also may be available where intentional discrimination is found. Damages may be available to compensate for actual monetary losses, for future monetary losses, and for mental anguish and inconvenience. Punitive damages also may be available if an employer acted with malice or reckless indifference. The total amount of punitive damages and compensatory damages for future monetary loss and emotional injury for each individual is limited, based upon the size of the employer.

Punitive damages are not available against state or local governments.

In cases concerning reasonable accommodation, compensatory or punitive damages may not be awarded to the charging party if an employer can demonstrate that "good faith" efforts were made to provide reasonable accommodation.

The above information was excerpted and summarized from the EEOC Technical Assistance Manual on Title I of the ADA, published January 26, 1992.

DISABILITY AND COMMUNICATION ACCESS BOARD

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| | 586-8129 | (FAX) |
| Maui: | 984-8219 | (Voice/TDD) |

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